

REMARKS

I. Claim Rejections

Claims 1, 5, 8, 10, 12, 14, 19 and 23 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being narrative and indefinite. Applicant has amended these claims. As the Examiner has indicated that these claims contain allowable subject matter (OA, p. 9), these claims are patentable. Also, dependent claims 2, 6, 7, 9, 11, 13, 15-18, 20 and 24-27 are patentable at least by virtue of their dependencies on the respective patentable independent claims above.

Claims 28, 29, 31, 32, 34 and 35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,347,220 B1 to Tanaka et al. ("Tanaka"). Claims 28, 31 and 34 have been canceled. Applicant traverses the rejections of claims 29, 32 and 35.

Tanaka does not disclose at least wherein the base station halts transmission of the control signal if said velocity exceeds a prescribed value, as recited in claims 29, 32 and 35. Tanaka discloses halting downlink beam forming on the grounds that the mobile station has moved to another beam area (col. 10, ll. 60-63). Therefore, Tanaka's downlink beam forming is halted based on the position of the mobile station, not on the mobile station's velocity.

Tanaka also discloses that pilot signal transmission from the mobile station can be lengthened or shortened based on the velocity of the mobile station, and that the downlink beam forming from the base station is halted based on the absence of an uplink reception signal (col. 12, ll. 56-col. 13, ll. 9). Therefore, Tanaka does not disclose halting transmission of the signal from the base station based on the mobile station velocity. Further, Tanaka does not halt all transmission of the signal in the absence of an uplink signal; downlink beam forming is halted,

but Tanaka still transmits generally in all directions (col. 13, ll. 19-23). Therefore, claims 29, 32 and 35 are patentable over Tanaka.

Claims 30, 33 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, in view of U.S. Pub. App. 2002/0138229 to Wilborn et al. ("Wilborn"). Applicant traverses these rejections.

For the reasons noted above, Tanaka does not disclose at least wherein the base station halts transmission of the control signal if said velocity exceeds a prescribed value, as recited in claims 30, 33 and 36. Wilborn does not cure the deficiencies of Tanaka. Wilborn discloses that mobile phone velocity estimated from signal fade can be used to generate correction factors used in demodulation of received signals (para. 0030), but does not address halting transmission of the control signal if the velocity exceeds a prescribed value. Therefore, claims 30, 33 and 36 are patentable over Tanaka in view of Wilborn.

II. Allowable Subject Matter


Claims 3, 4, 21 and 22 are not specifically addressed by the Examiner in the claim rejections. The Examiner has, however, indicated that independent claims 3 and 21 contain allowable subject matter (OA, p.9). Since independent claims 3 and 21 are patentable, dependent claims 4 and 22 are patentable at least by virtue of their dependencies.

III. Conclusion

In view of the above, claims 1-27, 29, 30, 32, 33, 35 and 36, which are all the claims pending in the application, are in condition for allowance. Reconsideration and allowance of this application are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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